IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5742 of 2007()

CRIME NO. 790/07 OF PARAVOOR POLICE STATION

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PETITIONER/ACCUSED

VASANTH,S/O. NATESAN, AGED 42 YEARS,
CHERIYAPANASSERRY VEEDU,MANNAM,PARAVOOR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: STATE

STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM
(CRIME NO. 790/2007 OF NORTH PARAVOOR POLICE STATION)

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5742 of 2007

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Dated this the 24th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations for offences punishable, inter alia, under Sections 452 and 324 I.P.C. The petitioner and the defacto complainant are neighbours and close relatives. There is a septic tank in the property of the defacto complainant. There is a well in the property of the petitioner. There was a request to remove the septic tank. The parties could not agree on the details. The defacto complainant demanded a huge amount for shifting the septic tank. Because of the animosity arising from such dispute, the petitioner is alleged to have gone to the house of the defacto complainant after making the necessary preparations. There, the petitioner is alleged to have assaulted the defacto complainant with a stick and stone. The defacto complainant suffered injuries. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner also accepts that an incident had taken place between the

defacto complainant and the petitioner, who are neighbours and close relatives. The dispute was about the shifting of a septic tank. In the course of the discussion, since the parties could not agree on terms, there was wordy altercation followed by a physical attack. The boot is on the other leg. It is the defacto complainant who attacked the petitioner, who had gone to his house for a peaceful negotiation. False allegations are raised against the petitioner. The petitioner had suffered injuries. A counter case has been registered. In these circumstances the petitioner may be granted anticipatory bail, submits the learned counsel.

3. Notice was given to the learned Prosecutor. He has read to me the nature of injuries suffered by both the petitioner and the defacto complainant. The learned Prosecutor does not oppose the application. He only submits that appropriate conditions may be imposed in the interest of a fair, efficient and expeditious investigation.

4. Having considered all the relevant inputs, I find merit in the prayer for anticipatory bail. Subject to appropriate conditions, anticipatory bail can be granted to the petitioner, I am satisfied. The learned Prosecutor points out that the weapon allegedly used by the petitioner to mount the attack on the defacto complainant has already been seized also.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 1.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 2.10.07, and 3.10.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 1.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 1.10.2007 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 1.10.2007.

(R. BASANT)
Judge

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